

Attorney Docket No: MCEA 905/00US

PATENT

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Date: SEPTEMBER 29, 2000

By: _____

Dolores McKay
Dolores McKay

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Tom Van Horn, et al.

Serial No.: 09/596,921

Filed: June 19, 2000



Examiner: Unknown

Art Unit: 2768

For: SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER INTERACTION DURING A GROUP-BUYING SALE

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

1. Transmitted herewith are:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449
- ☒ Copies of publications listed on the PTO Form 1449
- ☒ English translation of foreign language reference(s)

2. ☒ This Information Disclosure Statement is filed before the later of:

☒ the mailing date of a first office action on the merits.

In accordance with 37 CFR 1.97(b), no fee is required.

3. Fees


☒ No fee is required.

- [X] The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of the patent application processing fees under 37 CFR 1.17 associated with this communication to Deposit Account No. 03-3117.

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Respectfully submitted,
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By:


Thomas L. Ewing
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BB5601!.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on this date.

Date: September 29, 2000By: Dolores McKay

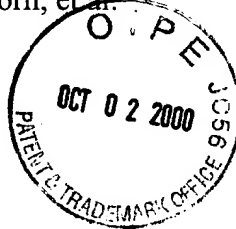
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For: SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER
INTERACTION DURING A GROUP-BUYING SALE

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Applicants hereby submit this Information Disclosure Statement in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

Applicants make no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

[X] Copies enclosed: Copies of the publications listed on the enclosed PTO Form 1449 are being provided with this Information Disclosure Statement.

[X] At least one of the enclosed publications is not in the English language.

[X] English translation(s) are enclosed.

[X] This Information Disclosure Statement is filed before the mailing date of a first office action on the merits and, in accordance with 37 CFR 1.97(b), no fee is required.

Applicants wish to bring to Examiner's attention the following co-pending applications and issued patent:

U.S. Patent Application No. 09/270,219, entitled "Demand Aggregation Through Online Buying Groups," filed on March 15, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/409,237, entitled "System and Method for Extension of Group Buying Throughout the Internet," filed on September 30, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/475,408, entitled "Demand Aggregation Through Online Buying Groups," filed on December 30, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/497,373, entitled "Method and Apparatus for Creating and Managing Groups for Increasing Buying Power on the World Wide Web," filed on February 3, 2000, which is assigned to a common assignee;

U.S. Patent Application No. 09/519,023, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," filed on March 3, 2000, which is assigned to a common assignee;

U.S. Provisional Application No. 60/206,566, entitled "System and Method for Attaining Product Inventory Grouping for Sales in a Group-Buying Environment," filed on May 23, 2000; and

U.S. Patent No. 6,101,484, which issued on August 8, 2000 in the names of Richard V. Halbert, Niklas Gustafsson and John M. Thrun, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," formerly U.S. Application No. 09/281,859.

The entities which have a duty to disclose relevant information to the U.S. Patent and Trademark Office under 37 CFR 1.56 have a belief that third parties may have pending applications of possible interest in the examination of this application. However, these applications are secret in nature, and copies of the applications are not available to the applicants or their representatives. Thus, Applicants are not able to provide copies of the applications with this Information Disclosure Statement ("IDS") and they do not necessarily know the actual subject matter of these third party applications.

Therefore, in accordance with the duty of disclosure, applicants are providing publications, listed on the attached Form PTO 1449, which proclaim that third parties have patent applications. Descriptions of the possible applications of interest are set forth below with reference to the documents listed on the attached Form PTO 1449, where applicable. The information provided herein may allow the PTO to identify the third party applications, and determine if they are prior art, and/or relevant to the present

application including determining if they are relevant for interference purposes. The possible third party applications are:

1. An Application to James Grossman, who is believed to be represented by Thomas E. Spath (Reg. No. 25,928), of Abelman, Frayne, & Schwab in New York, New York.

2. An Application assigned to VolumeBuy and/or Innovative Concepts Group, Inc., possibly entitled "Public Network-Based Order Pooling System," possibly filed on January 19, 1999 and naming as inventors Emanuel Leibzon, Valentina Leibzon, and/or Greg Perlman, with the attorneys of record possibly being Knobbe, Martens, Olson, and Bear LLP of Newport Beach, California.

3. An Application to Matthew Pallakoff, entitled "On-Line Marketing System and Method," believed to claim priority from U.S. Provisional Applications 60/097,932 (listed on the attached Form PTO 1449 as P42) and 60/097,933 (listed on the attached Form PTO 1449 as P43), both filed on August 25, 1998; assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/11570, listed on the attached Form PTO 1449 as F1, to assist the Examiner in determining if such an application exists.)

4. Applications to Jonathan Ehrlich, et al., entitled "Aggregating On-Line Purchase Requests," U.S. Provisional Application 60/118,189 filed on February 1, 1999 (listed on the attached Form PTO 1449 as P44) and U.S. Application 09/249,727 filed on February 13, 1999 (listed on the attached Form PTO 1449 as P45); assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/45318, which claims priority from the above mentioned U.S. applications, listed on the attached Form PTO 1449 as F8, to assist the Examiner in locating the application.)

5. An Application assigned to Accompany, Inc. for which Accompany, now known as MobShop, has received a Notice of Allowance. The application is discussed on Mobshop's website at http://www.mobshop.com/press_release?release=20, a copy of which is attached, and listed on the attached Form PTO 1449 as D68.

6. Applications to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Applications 09/191,564 filed on November 13, 1998 and 09/289,322 filed on April 9, 1999; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30004, listed on the attached Form PTO 1449 as F2, to assist the Examiner in locating such applications.)

7. An Application to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Application 09/191,564 filed on November 13, 1998; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30005, listed on the attached Form PTO 1449 as F3, to assist the Examiner in locating the application.)

8. An Application to Jay S. Walker, et al., entitled "Customer Profit Sharing Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,666 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34841, listed on the attached Form PTO 1449 as F4, to assist the Examiner in locating the application.)

9. Application to Jay S. Walker, et al., entitled "Method and Apparatus for Detecting and Detering the Submission of Similar Offers in a Commerce System"; believed to be U.S. Applications 09/205,824 filed on December 4, 1998 and 09/224,907 filed on January 4, 1999; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34842, listed on the attached Form PTO 1449 as F5, to assist the Examiner in locating such applications.)

10. An Application to Jay S. Walker, et al., entitled "Method and System for Utilizing a Psychographic Questionnaire in a Buyer-Driven Commerce System"; believed to be U.S. Application 09/205,663 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34843, listed on the attached Form PTO 1449 as F6, to assist the Examiner in locating the application.)

11. An Application to Jay S. Walker, et al., entitled "Dynamic Quality Control Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,824 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34886, listed on the attached Form PTO 1449 as F7, to assist the Examiner in locating the application.)

12. Two Utility Applications filed on July 7, 1999 by iCoop, Inc, based upon provisional patent applications filed on January 22, 1999. The applications are discussed on iCoop's website at http://www.icoop.com/press_pressreleases2.htm, a copy of which is attached, and listed on the attached Form PTO 1449 as D69.

13. An Application assigned to beMANY!, Inc., filing date unknown, possibly naming George Jankovic, Mircea Mihaescu, William Robinson, Virginia Bonker, Bradley Feld, Michael Hagan, Thomas Gieselmann, Patti Manual Hart, and/or Charles Katzas as inventors. See the press release from beMANY! included with this IDS and listed on the Form PTO 1449 as D70.

14. An Application assigned to BazaarE.com, Inc., possibly naming Dr. Bala Veeramacheneni, Anil Kadiyala, Srikanth Chimata, Vishy Ganti, and Vamsi Naidu as inventors, and/or possibly listing Wilson Sonsini Goodrich & Rosati as attorneys of record. See the press release from BazaarE.com, Inc. included with this IDS and listed on the Form PTO 1449 as D71.

15. An Application to Yossi Gliksman on an "Aggregator Driven" business model.

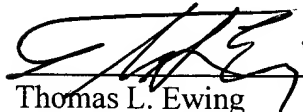
16. An Application assigned assigned to Savvio, Inc. (believed to also have used the names I-Countdown, LG Group, and Athena Technology Ventures), filing date unknown, possibly naming Karen Ha, Leonard "Leo" D. Spelt, Scott Gorton, Basem Asfoor, Edward Komissarchik, Gary Mansperger, as inventors. See the press release from Savvio.com included with this IDS and listed on Form PTO 1449 as D81.

The subject application is believed patentable over any of the above references.

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Enclosures: 1. Form PTO 1449
2. Copies of references cited on Form PTO-1449